

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:	:	CIVIL ACTION
LINCOLN NATIONAL COI	:	No. 16-06605
LITIGATION	:	

**ORDER**

**AND NOW**, this 11th day of September, 2017, upon consideration of Defendants' motion to dismiss, (ECF No. 40), Plaintiffs' response, (ECF No. 44), and Defendants' reply, (ECF No. 47), it is hereby **ORDERED** that:

1. Defendants' motion to dismiss, (ECF No. 40), is **GRANTED** as to counts five, seven, and eleven. Plaintiffs may file an Amended Complaint with respect to counts seven and eleven on or before **September 25, 2017**.
2. Defendants' motion to dismiss is **DENIED** as to counts one, two, three, six, eight, nine, and ten.

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.